

**ASSEMBLY BILL**

**No. 2992**

**Introduced by Assembly Member Evans**

February 24, 2006

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An act to amend Section 10708 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2992, as introduced, Evans. California State University: competitive bidding: report.

The California State University Contract Law authorizes the Trustees of the California State University to enter into an agreement with a contractor to provide all or significant portions of the design services and construction of a project, chosen by a competitive bidding process that employs selection criteria in addition to cost. Existing law also requires a contractor, when selecting subcontractors under this provision, to competitively bid the for those portions of work.

This bill would require the trustees to report to the Legislature, on or before July 1, 2007, on the efficacy and effectiveness of the selection criteria to ensure a competitive bidding process for selecting contractors and subcontractors.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 10708 of the Public Contract Code is  
2     amended to read:

1 10708. (a) When, in the opinion of the trustees, the best  
2 interests of the California State University dictate, the trustees  
3 may enter into an agreement with a contractor to provide all or  
4 significant portions of the design services and construction of a  
5 project under this chapter. The contractor shall design the project  
6 pursuant to the scope of services set forth in the request for  
7 proposals, build the project, and present the completed project to  
8 the trustees for their approval and acceptance.

9 (b) Work under this section shall be carried out by a contractor  
10 chosen by a competitive bidding process that employs selection  
11 criteria in addition to cost. Any design work performed pursuant  
12 to this section shall be prepared and signed by an architect  
13 certificated pursuant to Chapter 3 (commencing with Section  
14 5500) of Division 3 of the Business and Professions Code.

15 (c) When the design of portions of the project permits the  
16 selection of subcontractors, the contractor shall competitively bid  
17 those portions. The contractor shall provide to the trustees a list  
18 of subcontractors whose work is in excess of one-half of 1  
19 percent of the total project cost as soon as the subcontractors are  
20 identified. Once listed, the subcontractors shall have the rights  
21 provided in the Subletting and Subcontracting Fair Practices Act  
22 (Chapter 4 (commencing with Section 4100) of Part 1).

23 (d) *On or before July 1, 2007, the trustees shall report to the*  
24 *Legislature on the efficacy and effectiveness of the selection*  
25 *criteria, employed pursuant to subdivisions (b) and (c), to ensure*  
26 *a competitive bidding process for the selection of contractors and*  
27 *subcontractors under this section*